

"An Act to reorganize the Twentieth Judicial District of Texas and to create the Eighty-third Judicial District of Texas; to fix the time of holding court in said districts and to provide for organizing grand juries at certain terms in said court; to provide for the retention of the judge of the Twentieth Judicial District in office and for the appointment of a judge of the said Eighty-third Judicial District and to abolish the office of district attorney for the said Twentieth Judicial District, and to provide that the county attorneys of the said three counties of Milam, Robertson and Brazos shall perform the duties of the district attorney for said district; providing for the retention of the district clerks of the said three counties in office; to diminish the civil and criminal jurisdiction of the county courts of Robertson and Brazos Counties, and to conform the jurisdiction of the district court of said counties to said change; providing for the appointment of an official court reporter and to fix his compensation; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had same under consideration and beg to report it back with the recommendation that it do pass, and be not printed.

Buchanan of Scurry, Chairman; King, Parr, McCollum, Henderson, Hall, Dean.

(Floor Report.)

Senate Chamber,
Austin, Texas, February 27, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 693, A bill to be entitled "An Act to amend Sections 4, 5, 6, 7, 8, 9, 10 and 11 of an Act to provide a special road law for Denton County, Texas, to abolish overseer system in Denton, County, Texas, etc., and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Buchanan of Scurry, Floyd, Clark, Gibson.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 27, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 718, A bill to be entitled "An Act to create a more efficient road system for Newton County, Texas, and creating the office of superintendent of public roads, etc., and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Buchanan of Scurry, Floyd, Clark, Gibson.

THIRTY - NINTH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, February 28, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Strickland.
Hall.	Sulter.
Harley.	Westbrook.
Henderson.	Woodward.

Absent—Excused.

Smith.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Westbrook.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Parr:

S. B. No. 443, A bill to be entitled "An Act granting to the City of Corpus Christi, Texas, all right, title and interest of the State of Texas in and to the land lying and being situated under the waters of Corpus Christi Bay within the limits of the City of Corpus Christi as such now exists, or as said limits may be extended at any time hereafter by Act of the Legislature, said grant being for public purposes, reserving, however, the mineral rights in said land unto the State; and granting to the City of Corpus Christi the right, power and authority to construct, own and maintain at any place or places within such territory such seawalls, break-waters and dams as may be desirable, and to fill in the space between the mainland and said seawalls, break-waters, shore protections and dams with sand, dredge spoils, or any other material taken from the waters of Corpus Christi Bay, free of any cost from the said city to the said State; granting to the said city all areas formed by said filling in for public purposes; and authorizing the said City of Corpus Christi to construct such walks, drives, parks and buildings thereon as may be desirable for public purposes, and authorizing the lease of said buildings; and authorizing said City of Corpus Christi to construct, own and maintain jetties and sea protections placed or made into said Corpus Christi Bay within said city limits, and within the territory ceded herein, for the protection of boats from roughness of the bay; and authorizing said City of Corpus Christi to construct, own and maintain pleasure piers and wharves in said Corpus Christi Bay in front of said seawalls, break-waters, shore protections and dams for public purposes; and authorizing the lease of same; and authorizing the said City of Corpus Christi to grant franchises for the construction, operating and maintaining pleasure piers and wharves in said Corpus Christi Bay in front of said seawalls, shore protections and dams for public purposes; and authorizing the said City of Corpus Christi to

grant franchises for the construction of piers, wharves, docks, slips, elevators, loading and unloading devices and warehouses into the waters of Corpus Christi Bay beyond said seawalls, break-waters, shore protections and dams, but within the said city limits, and within any prescribed portion of the waterfront of said city fronting upon Corpus Christi Bay for the purpose of carrying on shipping or maritime commerce, said franchises to be granted only upon vote of the people of said city; and authorizing the said City of Corpus Christi to remove and abate any encroachments or structures of any kind now existing on said property, and bring any suit or suits in its own name as may be necessary to carry out the provisions of this Act; and authorizing the said City of Corpus Christi to exercise the right of eminent domain and condemn real and personal property, including riparian rights and littoral rights, and fixing the method and mode for exercising such right of eminent domain and condemnation, and declaring an emergency."

Read first time and referred to the Committee on Public Lands and Land Office.

By Senator Johnson of Hall:

S. B. No. 444, A bill to be entitled "An Act to establish Common School District No. 10 in Dickens County, Texas, and extending its boundaries so as to include certain lands heretofore Common School District No. 1 of said Dickens County, Texas, provided that such parts of Common School District No. 1 of said Dickens County as may hereafter be included in Common School District No. 10 shall continue to be subject to taxation for the payment of the principal and interest, and creating a sinking fund for any bonds that may have heretofore been issued by School District No. 1, and remaining unpaid, conferring upon said Common School District No. 1 all authority now conferred by the general laws of the State of Texas upon common school districts, and placing the affairs of said district in a board of trustees to be composed of three members and conferring the power upon the County Judge of Dickens County, Texas, to appoint three trustees for said Common School District No. 10, one of whom shall hold office until May 1, 1918, or until his successor

has been duly elected and qualified, and the other two shall hold office until May 1, 1919, or until their successors are duly elected and qualified, and thereafter to be elected as directed by the statute governing common school districts, and declaring an emergency."

Read first time and referred to the Committee on Educational Affairs.

(Senator Hudspeth in the chair.)

House Joint Resolution No. 2.

The Chair laid before the Senate as regular order on its third reading:

H. J. R. No. 2, "House Joint Resolution to amend Section 10, Article 1, of the Constitution of the State of Texas, providing for certain rights of accused persons in criminal prosecutions and the manner in which the case may be prosecuted, and providing for the procuring of the testimony of the witnesses for both defense and prosecution."

Senator McNealus moved that the resolution be laid on the table subject to call.

The motion was lost.

Action recurred upon H. J. R. No. 2, and the same was laid before the Senate, read third time and passed by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Strickland.
Floyd.	Sulter.
Gibson.	Westbrook.
Harley.	

Nays—3.

Bailey.	Hudspeth.
Bee.	

Present—Not Voting.

Hall.	Page.
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Absent.

Henderson.	McCollum.
King.	Woodward.

Absent—Excused.

Smith.

Senator McNealus moved to reconsider the vote by which H. J. R. No. 2 was passed and table the motion to reconsider.

The motion to table prevailed.

(Lieutenant Governor Hobby in the chair.)

House Joint Resolution No. 15.

The Chair laid before the Senate as regular order on its second reading:

H. J. R. No. 15, Proposing to amend the Constitution of the State of Texas by amending Section 2 of Article 6 of the Constitution by striking out and repealing said Section 2 and substituting in lieu thereof another Section 2; defining qualified electors in this State; prescribing where such electors may vote; fixing the time for the election for the adoption or rejection of said proposed constitutional amendment; making certain provisions for said election and the ballots thereof and method of voting; directing the issuance of proclamation therefor; prescribing certain duties for the Governor of the State, and making an appropriation to defray the expenses of said election."

The resolution was read, and Senator Buchanan of Bell offered the following amendment:

(1) Amend Section 1 of H. J. R. No. 15 so that the same shall hereafter read as follows:

"Section 1. That Section 2 of Article 6 of the Constitution of the State of Texas, be amended by striking out or repealing Section 2 thereof and substituting in lieu thereof the following, to wit: Sec. 2. Every male person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years and who shall be a citizen of the United States and who shall have resided in this State one year next preceding an election and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector, and all electors shall vote in the election precinct of their residence; provided, that electors living in any unorganized county may vote at any election precinct in the county to which such county is attached for judicial purposes; and provided further, that

any voter who is subject to pay a poll tax under the laws of the State of Texas shall have paid said tax before he offers to vote at any election in this State and hold a receipt showing his poll tax paid before the first day of February next preceding such election. Or if said voter shall have lost or misplaced said tax receipt, he shall be entitled to vote upon making affidavit before any officer authorized to administer oaths that such tax receipt has been lost. Such affidavit shall be made in writing and left with the judge of election. And this provision of the Constitution shall be self-enacting without the necessity of further legislation."

Senator Caldwell offered the following substitute for the pending amendment:

Amend H. J. R. No. 15 by striking out Section 1 thereof and insert in lieu thereof the following:

Section 1. That Section 2 of Article 6, of the Constitution of the State of Texas, be amended so as to hereafter read as follows, to wit: Sec. 2. Every male person subject to none of the foregoing disqualifications who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided in this State one year next preceding an election, and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector, and shall have resided in this State one year next preceding such election, and the last six months in the county in which he offers to vote, shall also be deemed a qualified elector; and all electors shall vote in the election precinct of their residence; provided that electors living in any unorganized county may vote at any election precinct in the county to which such county is attached for judicial purposes. And this provision of the Constitution shall be self-enacting without the necessity of further legislation."

CALDWELL,
HUDSPETH.

Senator Floyd moved to table the substitute, which motion prevailed by the following vote:

Yeas—18.

Alderdice.	Buchanan of Scurry.
Bailey.	Dayton.
Buchanan of Bell.	Dean.

Decherd.	Lattimore.
Floyd.	Robbins.
Gibson.	Strickland.
Henderson.	Suiter.
Hopkins.	Westbrook.
Johnson of Hall.	Woodward.

Nays—8.

Bee.	McCollum.
Hudspeth.	McNealus.
Johnston of Harris.	Page.
King.	Parr.

Present—Not Voting.

Harley.

Pairs Recorded.

Senator Caldwell (present), who would vote "nay"; Senator Clark (absent), who would vote "yea."

Senator Hall (present), who would vote "nay"; Senator Smith (absent), who would vote "yea."

Action recurred upon the pending amendment, and

Senator Lattimore offered the following amendment to the amendment, which was adopted:

Amend the amendment by striking out the words "Section 2 of" in line 1, Section 1, of the proposed amendment.

The amendment as amended was then adopted.

Senator Buchanan of Bell offered the following amendment:

(2) Amend the caption to H. J. R. No. 15 so that the same shall hereafter read as follows:

"House Joint Resolution to amend Article 6 of the Constitution by striking out and repealing said Section 2 and substituting in lieu thereof another Section 2; defining qualified electors in the State; prescribing where such electors may vote; fixing the time for the election for the adoption or rejection of said amendment and directing the issuance of proclamation thereof; prescribing certain duties for the Governor of the State; and making an appropriation to defray the expense of said election, and prescribing form of ballot.

Pending.

Bill Signed.

The Chair, Lieutenant Governor Hobby, gave notice of signing, and did sign, in the presence of the Sen-

ate, after its caption had been read, the following bill:

S. B. No. 37, A bill to be entitled "An Act to amend Articles 6772, 6773, 6774 and 6775, of Chapter 1, Title 117, Revised Civil Statutes of Texas, relating to the transcribing of records from the parent county into the newly created counties which have been created either in whole or in part from the territories of any other county or counties in this State, or to which may have been added since its creation the territory of any other county or counties in this State so as to authorize the commissioners court of the new county to employ a competent person to transcribe the same, other than the county clerk of such new county, to repeal all laws in conflict herewith, and declaring an emergency."

Special Committee Report.

(By unanimous consent.)

Senate Chamber,
Austin, Texas, Feb. 27, 1917.

Hon. W. P. Hobby, President of the Senate; Hon. F. O. Fuller, Speaker of the House of Representatives.

Sirs: We, your committee appointed to investigate the removal of the chandeliers in the Senate Chamber and the Hall of the House of Representatives, beg leave to report as follows:

Upon investigation, we found that the State Fire Marshal had ordered the building rewired as a matter of safety from fire, and it became necessary to remove the chandeliers for the purpose of installing the new wiring. The removal was done under the direction of the late Captain Owens, former Superintendent of Public Buildings and Grounds. After the chandeliers were taken down it was decided to replace them with other and more up-to-date fixtures, but the appropriation becoming exhausted, the new fixtures were not installed nor was there any money left out of the appropriation with which to replace the old ones.

The old chandeliers are now stored in the basement, together with all the old wiring, etc., which were removed by order of the State Fire Marshal.

The appropriation for repairs on the Capitol building being exhausted, there is now no money in that fund

with which to rehang the chandeliers.

We attach hereto an estimate from Wright Bros. for rehangng the chandeliers taken down. These are the same parties who took them down. These same parties also propose to relight the Hall of the House of Representatives and the Senate Chamber with Brasco lights of twenty-three inch diameter, twelve lights to each hall, for the same sum as named in estimate for rehangng the old chandeliers.

We further found that the old wiring removed from the building when it was rewired by order of the State Fire Marshal is now in the basement of this building, and worth probably \$1,500 to \$2,000.

We would suggest that this junk be sold to the highest bidder and the proceeds, or so much thereof as may be needed, used in relighting the Hall of Representatives and the Senate Chamber with whichever system may be decided upon by your respective bodies as being the most desirable.

We would suggest that bids be advertised for doing the work of replacing the chandeliers or new lights as may be decided. We would call attention to the fact that if the Brasco system, which can be seen in the Public Library, should be decided upon, the price of the old fixtures could be applied upon the new system. Respectfully submitted,

JNO. H. BAILEY,

O. S. LATTIMORE,

Committee from the Senate.

R. E. YANTIS,

J. A. DODD,

DAN S. McMILLIN,

Committee from the House of Representatives.

Austin, Texas, Jan. 24, 1917.

Col. Chas. L. Stowe, Superintendent Public Building and Grounds, Capitol.

Dear Sir: For your information, I beg to submit the following figures for rehangng and rewiring the old fixtures that originally hung in the Senate and House of Representatives:

Four Large Fixtures.

300 Sockets	\$ 80.00
1,000 Feet fixture wire.....	13.35
500 Feet No. 12 wire.....	12.00

Labor rewiring and hanging 96.00
Cleaning 26.65

\$228.00

Eight Small Fixtures.

240 Sockets\$ 64.00
1,000 Feet fixture wire.....13.35
300 Feet No. 12 wire..... 7.20
Labor rewiring and hanging. 96.00
Glass 106.65

\$287.20

Changing Circuits.

450 Feet ½-inch pipe.....\$ 45.00
Labor 13.35

\$ 58.35

Grand total\$573.55

If this work is awarded, we will try to complete it in one week, and if there is any further information that you desire in connection with this matter we will be very glad to undertake to furnish it upon your request. Additional cost for lamps will be \$120.

Yours very truly,
WRIGHT BROS.

The foregoing report and estimate are entered here on motion of Senator Bailey.

Recess.

At 12:55 o'clock, on motion of Senator Page, the Senate recessed until 2:30 o'clock p. m. today.

After Recess.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Hobby.

House Joint Resolution No. 15.

(Pending.)

Action recurred upon H. J. R. No. 15 as pending business, the question being upon the amendment of Senator Buchanan of Bell.

The amendment was adopted.

On motion of Senator Lattimore, H. J. R. No. 15 was passed to its third reading.

House Bill No. 38.

The Chair laid before the Senate as regular order on its second reading:

H. B. No. 38, A bill to be entitled "An Act to amend Articles 1521, 1522, 1543, 1544 and 1526 of the Revised Civil Statutes of 1911, as amended by the Acts of the Thirty-third Legislature, approved March 28, 1913, defining the original and appellate jurisdiction of the Supreme Court, and regulating the practice therein."

The bill was read, and Senator Dean offered the following amendment, which was read and adopted:

(1) Amend the bill by striking out lines 9, 10, 11 and 12 and down to and including the word "correction" in line 13, page 2, of the printed bill, and insert in lieu thereof the following:

"6. In any other case in which it is made to appear that an error of law has been committed by the Court of Civil Appeals of such importance to the jurisprudence of the State as in the opinion of the Supreme Court requires correction—but excluding those cases in which the jurisdiction of the Court of Civil Appeals is made final by statute."

Senator Lattimore offered the following amendment, which was read and adopted:

(2) Amend H. B. No. 38 by striking out all of line 29, page 1, of the printed bill, and inserting in lieu thereof the following: "all questions of law arising in cases of which the Courts of Civil Appeals have appellate jurisdiction."

By unanimous consent, the bill was laid on the table subject to call.

Message from the House.

Hall of the House of Representatives.
Austin, Texas, Feb. 28, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to H. J. R. No. 2 by the following vote: Yea's 123, Nays 0.

Concurs in Senate amendments to H. B. No. 50.

Requests the Senate to return H. B. No. 33 for correction.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Simple Resolution No. 101.

(By unanimous consent.)

By Senator King:

Whereas, that chivalric and courageous soldier of the Old South, General Felix H. Robertson, of whom all Texas is proud, is in the city, therefore be it

Resolved, That he be granted the privilege of the Senate floor while in the city and that he be invited to address the Senate.

The resolution was read and adopted.

General Robertson addressed the Senate briefly.

House Bill No. 33 Returned to the House.

On motion of Senator McNealus, the Senate granted the request of the House and returned H. B. No. 33 for correction.

House Bill No. 21.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

H. B. No. 21, A bill to be entitled "An Act fixing the salaries of judges of the Supreme Court and the Court of Criminal Appeals and the judges of the Courts of Civil Appeals and of the District Courts of this State, and declaring an emergency."

Senator Bailey moved the adoption of the majority (favorable) committee report.

As a substitute, Senator Suiter moved the adoption of the minority (adverse) committee report.

Senator Bailey moved the previous question on the adoption of the majority committee report and on the substitute motion of Senator Suiter.

The previous question being duly seconded, the main question was ordered.

Action recurred on the substitute motion to adopt the minority (adverse) committee report, and the same was lost by the following vote:

Yeas—7.

Dayton.	Johnson of Hall.
Decherd.	Robbins.
Floyd.	Suiter.
Hopkins.	

Nays—21.

Alderdice.	Henderson.
Bailey.	Hudspeth.
Bee.	Johnston of Harris.
Buchanan of Bell. King.	
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	Page.
Dean.	Parr.
Gibson.	Strickland.
Hall.	Woodward.
Harley.	

Absent.

McNealus.	Westbrook.
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Absent—Excused.

Smith.

The majority (favorable) committee report was then adopted.

Senator Page offered the following amendment:

(1) Amend the bill by striking out all after the enacting clause and inserting the following:

Section 1. That from and after the passage of this Act the judges of the Supreme Court and the judges of the Court of Criminal Appeals of this State shall be paid an annual salary of six thousand (\$6,000.00) dollars, payable in equal monthly installments; that the judges of the several Courts of Civil Appeals of this State shall be paid an annual salary of five thousand (\$5,000.00) dollars, payable in monthly installments; that the judges of the District Courts of this State shall be paid an annual salary of thirty-six hundred (\$3,600.00) dollars, payable in monthly installments.

Sec. 2. All laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 3. The fact that the judges of the several courts of this State are inadequately paid creates an emergency and an imperative public necessity exists requiring that the constitutional rule which requires that bills be read on three several days be suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Hudspeth offered the following amendment:

Amend the amendment by striking out the words and figures "thirty-six hundred" and insert in lieu thereof the words and figures "four thousand."

Senator Johnston of Harris moved the previous question on the amendment, and the pending amendment to the amendment.

The motion for the previous question being duly seconded, the main question was ordered.

Action recurred on the pending amendment to the amendment, and the same was adopted by the following vote:

Yeas—15.

Bailey.	Hudspeth.
Bee.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McCollum.
Clark.	Page.
Dean.	Parr.
Hall.	Woodward.
Harley.	

Nays—12.

Alderdice.	Honkins.
Buchanan of Bell.	Johnson of Hall.
Dayton.	Robbins.
Decherd.	Strickland.
Floyd.	Sulter.
Gibson.	Westbrook.

Absent.

Henderson.

Absent—Excused.

Smith.

Pair Recorded.

Senator Lattimore (present), who would vote "nay"; Senator McNealus (absent), who would vote "yea."

The amendment as amended was then adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Page, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 21 put on its third reading and final passage by the following vote:

Yeas—28.

Alderdice.	Gibson.
Bailey.	Hall.
Bee.	Harley.
Buchanan of Bell.	Honkins.
Buchanan of Scurry.	Hudspeth.
Caldwell.	Johnson of Hall.
Clark.	Johnston of Harris.
Dayton.	King.
Dean.	Lattimore.
Decherd.	McCollum.
Floyd.	McNealus.

Page.

Parr.

Strickland.

Sulter.

Westbrook.

Woodward.

Nays—1.

Robbins.

Absent.

Henderson.

Absent—Excused.

Smith.

The bill was laid before the Senate, read third time and passed finally.

Senator Bailey moved to reconsider the vote by which H. B. No. 21 was passed and table the motion to reconsider.

The motion to table prevailed.

(Senator Alderdice in the chair).

House Bill No. 38.

Senator Lattimore called up from the table H. B. No. 38, which was read second time today, and moved that the bill be passed to its third reading.

The motion prevailed.

House Bill No. 247.

The Chair laid before the Senate, as regular order on its second reading.

H. B. No. 247, A bill to be entitled "An Act to amend Chapter 84, House bill No. 653 of the Acts of the Regular Session of the Thirty-fourth Legislature of Texas by a special law for the preservation of bass and other fish of the bass species, and of perch, sunfish and crappie species, in the following locality: In any water which is located in the valley of the Medina river from where the lower or diversion dam above the town of Castroville crosses the Medina river, in Medina county, Texas, to a point on the Medina river, in Bandera county, Texas, which by following the meanders of the Medina river towards its source, shall constitute a distance of twenty-five miles, and in any of the waters which are impounded by the lower or diversion dam above the town of Castroville, in Medina county, Texas, and in any of the waters that are impounded by the upper or main dam in Medina

county, Texas, which is located about four miles above said lower or diversion dam; and making it unlawful to catch and retain or have possession of any bass or other fish of the bass species which are less than eleven inches in length, or to catch and retain, or have possession of, in any one day, a total aggregate of more than ten bass or other fish of the bass species, or to catch and retain, or have possession of, in any one day, a total aggregate of more than twenty perch, crappie or sunfish species, and making it unlawful to sell, offer for sale, or buy, any fish caught in any of said waters, and providing that the special act shall be cumulative of the general laws of the State and not repeal same, and providing for a penalty for violation of said special law, and declaring an emergency, and fixing the venue of the prosecutions for violations of the law, and providing it shall not be unlawful to catch and retain more than twenty perch to be used as bait, providing none of such perch so caught for bait are larger than two inches long."

The bill was read second time and passed to its third reading.

On motion of Senator Bee, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 247 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Westbrook.
Harley.	Woodward.
Hopkins.	

Present—Not Voting.

Bailey.

Absent.

Clark.	Johnston of Harris.
Henderson.	McCollum.

Absent—Excused.

Smith.

497—Senate.

The bill was laid before the Senate, read third time and passed finally.

Senator Bee moved to reconsider the vote by which H. B. No. 247 was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 40.

The Chair laid before the Senate on second reading:

H. B. No. 40, A bill to be entitled "An Act making it a misdemeanor to kill or in any manner injure the winged quadruped known as the common bat; repealing all laws in conflict herewith, and declaring an emergency,"

The bill was read second time and passed to its third reading.

On motion of Senator Bee, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 40 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Harley.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Suiter.
Gibson.	Westbrook.

Present—Not Voting.

Strickland.

Absent.

Hall.	McCollum.
Henderson.	Woodward.
Johnston of Harris.	

Absent—Excused.

Smith.

The bill was laid before the Senate, read third time and passed finally.

Senator Bee moved to reconsider the vote by which H. B. No. 40 was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 111.

(By unanimous consent.)

The Chair laid before the Senate on second reading,

H. B. No. 111, A bill to be entitled "An Act to regulate, control and license pool halls and billards halls in the State of Texas and to provide for bond of the keepers of such halls before license will be issued and making it a misdemeanor to operate such halls without complying with the terms hereof, and providing punishment for running or operating such halls without first obtaining a license; to repeal Chapter 74 of the General Laws of Texas of the Thirty-third Legislature passed in 1913."

On motion of Senator McNealus the bill was laid on the table subject to call.

House Bill No. 16.

The Chair laid before the Senate on its second reading,

H. B. No. 16, A bill to be entitled "An Act prohibiting manufacture or sale of road vehicles of certain carrying capacity with tires of less than the prescribed width within the State of Texas, fixing penalties for the violation thereof; providing the time at which such Act shall take effect, and declaring an emergency."

The bill was read, and Senator Suiter offered the following amendments, which were read and adopted, being voted on separately:

(1) Amend the caption of the bill, line 17, by striking out the words "manufacture or," and inserting after the word "sale" the words "or offering for sale," and adding after the word "the" in line 18, the word "herein."

(2) Amend the bill, line 23, Section 1, by inserting after the word "unlawful" the following: "on and after January 1, 1920."

(3) Amend the printed bill, line 24, by striking out the words "manufacture or" and inserting after the word "sell" the words "or offer for sale."

(4) Amend the bill, line 27, by inserting after the word "tire" the words "on the wheels of same," and striking out the word "of" and changing the comma after the word "width" to a period, and striking out the words "on and after January 1st, 1920."

(5) Amend the printed bill by inserting a new section to be known as Section 2, which shall read as follows:

"Section 2. This Act shall apply to all persons, firms, associations or corporations engaged in the sale of road vehicles, either at wholesale or retail, but shall not apply to individuals selling or offering for sale road vehicles purchased for their individual use."

(6) Amend the printed bill by striking out Section 2, and insert in lieu thereof a new section to be known as Section 3, which shall read as follows:

"Section 3. Any firm, association or corporation violating the terms of this Act, shall be subject to a penalty of not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars for each offense, to be collected for the benefit of the county in which such violation may occur; and any person violating the terms of this Act shall be subject to a fine of not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars for each offense, and each sale, or offer of sale, in violation hereof shall constitute a separate offense."

(7) Amend the printed bill, line 1, page 2, by changing the number of Section 3 to Section 4.

Senator Dean offered the following amendment:

Amend by striking out the word "one" in line 26, page 1 of the printed bill and insert in lieu thereof the word "three."

Senator Clark moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—15.

Bailey.	Hopkins.
Buchanan of Bell.	Hudspeth.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Parr.
Clark.	Strickland.
Floyd.	Suiter.
Gibson.	Woodward.
Hall.	

Nays—10.

Alderdice.	King.
Bee.	Lattimore.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Westbrook.

Absent.

Harley. McCollum.
Henderson. Robbins.
Johnston & Harris.

Absent—Excused.

Smith.

(Lieutenant Governor Hobby in the chair.)

Senator Dean offered the following amendment, which was read and adopted:

(8) Amend by striking out the word "one," line 26, page 1, and insert "two."

On motion of Senator Suiter the bill was passed to its third reading.

Bill Signed.

The Chair (Lieutenant-Governor Hobby) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 470, A bill to be entitled "An Act to enlarge the territory of the Port Arthur Independent School District, so as hereafter to include a portion of common school district No. 11 of Jefferson County, and providing that the territory so to be annexed to the Port Arthur Independent School District shall continue to pay its pro rata of taxes levied or to be levied for the payment of the interest and sinking fund of the bonds now outstanding of Common School District No. 11, and for the manner of their assessment and collection, etc., and declaring an emergency."

House Bill No. 39.

The Chair laid before the Senate on second reading,

H. B. No. 39, A bill to be entitled "An Act to relieve the crowded condition of the dockets of the Supreme Court by further regulating the mode in which, and the conditions on which, judgments of the Courts of Civil Appeals may be brought before the Supreme Court for revision, granting additional powers to the Chief Justice and Associate Justices of the Supreme Court and of the Courts of Civil Appeals, as incidental to the offices held by them; providing for compensation of certain justices of the Courts of

Civil Appeals while acting as herein provided; and declaring an emergency."

The bill was read second time and passed to its third reading.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 39 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice,	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.
Hopkins.	

Absent.

Decherd. Johnston of Harris.
Harley. McCollum.
Henderson.

Absent—Excused.

Smith.

The bill was laid before the Senate, read third time and passed finally by the following vote:

Yeas—23.

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Robbins.
Dayton.	Strickland.
Dean.	Suiter.
Floyd.	Westbrook.
Gibson.	Woodward.
Hopkins.	

Absent.

Decherd. Johnston of Harris.
Hall. McCollum.
Harley. McNealus.
Henderson.

Absent—Excused.

Smith.

Senator Lattimore moved to reconsider the vote by which H. B. No. 39

was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 226.

The Chair laid before the Senate, on second reading,

H. B. No. 226, A bill to be entitled "An Act for the purpose of promoting and improving the development of the country schools of the State by the appropriation of one million dollars each year, or such part thereof as may be necessary, for the next two fiscal years ending August 31, 1918, and 1919, respectively, by allowing the State Board of Education to aid any one school in any sum not exceeding five hundred dollars in any one year, and providing that schools receiving such aid be located and constructed in a certain way and having certain and necessary equipment, and providing for the employment of competent teachers; and said act further providing that no school having over three hundred scholastics shall receive such aid, and providing that schools receiving such aid shall have had certain percentage of attendance with exceptions, and providing said schools shall levy a local school tax of not less than fifty cents on the one hundred dollars valuation, and providing course of study for such country schools, and setting aside fifty thousand dollars of the appropriation annually for the relief of backward districts and giving the State Board of Education power to establish rules and regulations for the organization of such country schools and otherwise carrying out the intentions of this act, and defining the powers of the State Board of Education, and providing for assistants to the State Superintendent to be known as rural school supervisors, and providing for reports to be made to the State Board of Education, and providing for the manner of payment and disbursement of all money granted under the provisions of this act, and providing said schools can accept the benefits of this act without waiving the benefits and privileges of other laws, and providing certain funds for the payment of rural school supervisors and their traveling expenses, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

On motion of Senator Bee, H. B.

No. 226 was laid on the table subject to call.

House Bill No. 138.

The Chair laid before the Senate, on second reading,

H. B. No. 138, A bill to be entitled "An Act to be known as the interchangeable jury law, to regulate the selection, organization and custody of juries in all cases except capital and lunacy cases in counties where there are now three, or may hereafter be established three or more district courts, and to repeal all laws in conflict herewith."

The bill was read second time and on motion of Senator Lattimore, passed to its third reading.

House Bill No. 231.

The Chair laid before the Senate, on its second reading,

H. B. No. 231, A bill to be entitled "An Act to amend Article 900, Title 10, of the Code of Criminal Procedure of the State of Texas of 1911, so as to make bail bonds good in all criminal cases until verdict for judgment and until the defendant is taken in custody by the sheriff, and declaring an emergency."

The committee report, carrying with it the adoption of the committee amendment, was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Hopkins, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 231 put on its third reading and final passage by the following vote:

Yeas—21.

Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hopkins.	Sulter.
Hudspeth.	Westbrook.
Johnson of Hall.	

Absent.

Alderdice.	Dean.
Bailey.	Decherd.

Hall.	King.
Harley.	McNealus.
Henderson.	Woodward.

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 202.

The Chair laid before the Senate, on second reading,

H. B. No. 202, A bill to be entitled "An Act to amend Article 303, Title 7, Chapter 2, of the Revised Criminal Statutes (1911) of Texas, specifically defining the articles or service that may be sold or rendered on Sunday, as exceptions from the operation of the preceding articles of said chapter, providing that incorporated cities and towns may by ordinance regulate or prohibit such sales, or service, and providing penalties."

By unanimous consent and on request of Senator Caldwell, the bill was laid on the table subject to call.

House Bill No. 302.

The Chair laid before the Senate, on second reading,

H. B. No. 302, A bill to be entitled "An Act to amend Article 886, Title 13, offenses against public property, Chapter 6, Penal Code of 1911, of the State of Texas, relative to the protection of certain game, so as to prohibit the killing thereof for the next twenty-five years; repealing all laws in conflict therewith, and declaring an emergency."

The bill was read second time and passed to its third reading.

On motion of Senator Buchanan of Scurry, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 302 put on its third reading and final passage by the following vote:

Yeas—25.

Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Hudspeth.	Westbrook.
Johnson of Hall.	Woodward.
Johnston of Harris.	

Present—Not Voting.

Bailey.

Absent.

Alderdice.

Henderson.

Decherd.

Hopkins.

Harley.

The bill was laid before the Senate, read third time and passed finally. Senator Buchanan, of Scurry moved to reconsider the vote by which H. B. No. 302 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 387 Set as Special Order.

On motion of Senator Hall, S. B. No. 387 was set as a special order for next Monday at the conclusion of the morning call.

House Bill No. 127.

The Chair laid before the Senate, on second reading,

H. B. No. 127, A bill to be entitled "An Act to render unlawful the issue of road warrants or other evidence of indebtedness, except bonds as provided in Article 605 of the Revised Civil Statutes of Texas, for the purpose of laying out, constructing, maintaining or repairing any road or bridge, unless the same be payable during the current year for which it is issued, and not in excess of the amount that can be paid out of the current funds of the county for such year."

The bill was read and on motion of Senator Dean the minority (favorable) committee report was adopted.

By unanimous consent the bill was laid on the table subject to call.

House Bill No. 364.

The Chair laid before the Senate, on second reading,

H. B. No. 364, A bill to be entitled "An Act to require the publication in some newspaper of general circulation of all notices now required by law or contract to be given of any act or proceeding, whether public or private, or relating to a judicial, executive or legislative matter, which notice is now authorized by law or contract to be made by posting notice in one or more

public places; fixing a time of such publication, and the compensation; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Pending.

Adjournment:

At 5:55 o'clock p. m., on motion of Senator McNealus, the Senate adjourned until 10 o'clock tomorrow morning.

APPENDIX A.

Petitions and Memorials.

Senator Floyd offered a petition from Hopkins County, asking the Legislature to amend the rural school law as regards the appropriation for State aid.

Senator Dayton sent up and had read a numerously signed telegram from Gainesville opposing Senate Bill No. 219.

Petitions and letters to Senators McNealus and Clark were offered in protest to Senate Bill No. 219.

Senator Hudspeth sent up and had read a numerously signed petition from El Paso, asking him to support the car shed bill, No. 59.

A letter to Senator Clark from Carrizo Springs, Texas, was read, relating to a repeal of the insurance law.

Special Committee Report.

Committee Room,
Austin, Texas, February 28, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee appointed to investigate the disappearance of the old cannon that were in the Capitol grounds,

Beg leave to report the following:

We at once got in touch with H. R. Johnson of Russellville, Ky., to whom it was reported that some of these old cannon had been sold as junk, and requested him to furnish us information as to the truthfulness of the report. Whereupon we received the following telegram and letter, which are self-explanatory:

Russellville, Ky., Feb. 20, 1917.

Ed Westbrook, State Senator, Senate Chamber, Austin, Texas.

Nothing but barrel of cannon. Refuse to let go. See letter.

H. R. JOHNSON.

Russellville, Ky., Feb. 20, 1917.

Mr. Ed Westbrook, Austin, Texas.

Dear Sir: Yours of the 18th inst. at hand, and contents noted. Will say in answer to your questions in regard to the cannon, that I bought it from Mr. A. L. Hoyst at Austin, Texas, in a big lot of scrap iron. Mr. Hoyst told me the cannon was in the lot of iron and showed it to me before I bought the iron. My partner, Mr. Covington at Russellville, sold the cannon to Captain Dale of this place. Captain Dale paid \$16 freight on the cannon, and refuses to give it up. There was no mounting with the cannon, nothing but the barrel of the cannon. I showed the cannon to lots of people in Austin, and told them that it looked to me that the people of Austin ought to buy it and keep it there. Could find no one that would take any interest in it. I got home from Kansas City Friday, the 16th, and found a letter in regard to the cannon. Would have answered sooner, but have been sick.

Yours truly,

H. R. JOHNSON.

We also conferred with Adjutant Hutchings, who informed us that he had requested Hon. Robert L. Barnes, special agent in charge of the United States Bureau of Investigation, Department of Justice, that action be taken by his department for the return of United States ordnance sold as junk.

Feeling that the correspondence between parties in the conducting of the House investigation pertaining to this matter would furnish some enlightenment on this subject, we requested General Hutchings to furnish us copies of said correspondence, which he did, and which is here respectfully submitted.

Austin, Texas, February 26, 1917.

Hon. Ed. Westbrook, Senate Chamber.

Subject: United ordnance sold as junk.

1. Referring to our conversation

of even date, I am this day transmitting copies of correspondence with reference to United States ordnance sold as junk.

2. If in any respect this correspondence does not give all the information desired, such information will be given on request if available in this department.

HENRY HUTCHINGS.

Austin, Texas, February 9, 1917.

Hon. Ice B. Reeves, Chairman House of Representatives, Building.

Subject: Ordnance.

1. Referring to the three cannon which used to be in the Capitol grounds, I have the honor to state they were removed at the request of the former State Superintendent of Buildings and Grounds, for the reason that the wooden gun carriages had become so rotten that it was possible for the pieces to collapse and injure children, who were constantly playing around them.

2. Two of the three pieces are now at the State Arsenal, Camp Mabry, on the patched-up carriages; the other piece is at Camp Mabry, dismounted, the carriage having fallen to pieces while sent there.

3. These cannon so far as this department is concerned, can be returned to the Capitol grounds at any time.

4. It is possible serviceable carriages could be obtained from the Ordnance Department at nominal prices, if not an appropriation should be made of \$100 for each carriage desired.

5. With reference to the cannon sold as junk, which I am informed is marked "U. S.," I have reported in detail to the proper United States officer, the State not being short any cannon for which it is accountable.

HENRY HUTCHINGS.

Austin, Texas, Feb. 9, 1917.

From the Adjutant General, State of Texas, to Hon. Robert L. Barnes, Federal Building, San Antonio, Texas; subject—U. S. Ordnance Sold as Junk.

1. Attention is invited to first paragraph of enclosed resolution introduced in the Legislature by Mr. Reeves.

2. I find that the cannon referred to was bought by Mr. A. L. Hoist of 409 West Second street, Austin,

about six years ago from Mr. John E. Ally, at that time a resident of Austin, but now a motorman in the San Antonio Electric Railway service. Mr. John E. Ally got it from his father (now dead) and who had had it for several years.

3. Mr. Hoist shipped the junk to Louis P. Hyman & Co., 525 East Market street, Louisville, Ky., about a week ago.

4. The H. R. Johnson referred to in news item left Austin about a week ago, presumptively for Russellville, Ky., and it is supposed sold to Hyman.

5. Mr. and Mrs. H. C. Jones left about a week ago, and Mr. Jones' address is now 400 Kansas City Life Building, Kansas City, Mo.

6. I enclose copy of my letter to Mr. Reeves.

7. It is suggested the cannon be located at Louisville and the Chief of Ordnance notified; in order that further action may be taken if desired.

HENRY HUTCHINGS.

Austin, Texas, Feb. 13, 1917.

General Hutchings.

Dear Sir: I herewith enclose a copy of a letter I got from John E. Ally in regard to the removing of the cannon from the Capitol grounds.

Please compare this letter of Ally to the ones you sent me. Yours truly,

ICE B. REEVES.

San Antonio, Texas, Feb. 11, 1917.

Hon. Ice B. Reeves.

Dear Sir: In answer to yours of the 9th instant, will say the cannon that I sold to Mr. Hoist with a lot of other junk was bought by my father from a Mr. Smith, who at that time lived at the corner of Comal and Willow streets, Austin, Texas, and I think he still lives there. I think he was working for the State at the time, assistant in the Capitol grounds. The cannon lay on the sidewalk by his fence for a long time. My father bought it and took it home and kept it in the front yard. He gave it to me before he died, and I did not have any place to keep it, so I sold it to Mr. Hoist with a lot of other junk that was around home there after my father died.

You see Mr. Smith; he may be able to tell you some things about it.

If I can be of any service to you in

any way please let me hear from you. Very respectfully,

(Signed) JOHN E. ALLY.

Austin, Texas, Feb. 17, 1917.

From Assistant Quartermaster General, State of Texas, to Hon. Ice B. Reeves, member of Legislature, State of Texas; subject—Removal of Old Cannon from Capitol Grounds.

1. In compliance with your request to investigate the removal of an old cannon from the Capitol grounds on account of a resolution being introduced in the House of Representatives by you, the following is the history of the matter:

2. Three of the old cannon that were in the Capitol grounds are now at Camp Mabry, Texas; two being mounted on their carriages in front of the State Arsenal, and one being dismounted on account of its carriage having rotted down.

3. In reference to cannon sold to Mr. Hoist, a local dealer in junk, by Mr. John C. Ally, I found upon investigation that Mr. William Smith, who worked as a laborer in the Capitol grounds under the administration of Governor Lanham for four years (Mr. Gilbert having been Superintendent of Public Buildings and Grounds at that time), and who also worked under the administration of Governor Campbell (Mr. Day having been Superintendent of Public Buildings and Grounds at that time), was given the above mentioned cannon by a man by the name of Lawson, who was a foreman; that is, to the best of his recollection. He further states that he removed the cannon to his home on the corner of Comal and Willow streets, of this city, and it laid there for some time, and when he sold out his property at that place he sold the cannon, together with a lot of other junk, to J. C. Ally for a dollar, or a dollar and a half, to the best of his recollection. Mr. Smith further stated that he did not know at that time that the cannon was given to him that he did not have any right to its possession, and he will make affidavit to all facts set forth, provided a notary public is taken out to his home, as he is unable to leave the house.

4. Mr. William Smith is an old Confederate soldier and a pensioner, and served as a private in Company G, Anderson's Cavalry, Confederate States Army; his war record shows

that he was in Fulcord's Battalion; he enlisted in January, 1863, and served to the close of the war. The old man is very infirm and feeble and is bed-ridden.

5. In a personal interview with Mr. Gilbert, who was Superintendent of Public Buildings and Grounds under Governor Lanham, he claims he has no knowledge whatever of the existence of the cannon, and did not authorize its disposition.

6. I also interviewed Mr. Day, who was Superintendent of Public Buildings and Grounds under Governor Campbell, and he also disclaims any knowledge of the matter.

7. Both of the above mentioned gentlemen, however, have a faint recollection of an old cannon that laid outside of the Capitol grounds on what is now Brazos street, but both claim that they exercised no supervision over the cannon.

8. The foregoing report is hereby respectfully submitted.

J. T. STOCKTON,

Major Q. M. Corps, T. N. G., Assistant Quartermaster General of Texas.

Austin, Texas, Feb. 17, 1917.

Major J. T. Stockton.

Dear Sir: I am enclosing a copy of a letter I have just received and like for you to compare it to the one I sent you from John E. Ally of San Antonio.

Yours truly,

ICE B. REEVES.

Louisville, Ky., Feb. 14, 1917.

Mr. Ice B. Reeves, Austin, Texas.

Dear Sir: Referring to your letter of February 9, concerning an old cannon, beg to advise that we purchased a quantity of iron from Mr. Hoist of your city, but up to this writing none of the merchandise has arrived.

We have absolutely no use for cannons. We get better results with honey and molasses.

If, however, upon receipt of this merchandise we find the cannon in question we will be glad to hold same subject to your instructions.

Yours very respectfully,

LOUIS P. HYMAN & CO.

Austin, Texas, Feb. 24, 1917.

From the Adjutant General, State of Texas; to Honorable Ice B. Reeves, House of Representatives, Building; subject, U. S. ordnance sold as junk.

1. Transmitted herewith is copy of my letter to Honorable Robert L. Barnes, Special Agent in charge of U. S. Bureau of Investigation, Department of Justice, of even date, requesting action by his department for return of U. S. ordnance sold as junk.

2. Also attached is copy of file in this matter for your information.

3. Immediately on receipt of advices from Mr. Barnes, I will communicate with you further.

HENRY HUTCHINGS.

Austin, Texas, Feb. 24, 1917.

From the Adjutant General, State of Texas; to Honorable Robert L. Barnes, San Antonio, Texas; subject, U. S. ordnance sold as junk.

1. Referring to my prior letter to you of February 9, 1917, accompanied by copy of my letter to Honorable Ice B. Reeves of same date, your attention is now invited to copies of attached reports and letters bearing on same subject.

2. It now seems the cannon is with Captain Dale at Russellville, Kentucky, who refuses to return it to its proper custodian—the Superintendent of Public Buildings and Grounds at Austin, Texas.

3. It is requested through your department that Captain Dale be given an opportunity to voluntarily return said ordnance and that if he fails to avail himself of this opportunity, that necessary steps be taken to force the return.

HENRY HUTCHINGS.

War Department.

The Adjutant General's Office,

Washington, Oct. 2, 1912.

Respectfully returned to the Commissioner of Pensions, State of Texas, Austin.

The records show that one Wm. Smith, private, and second sergeant, Company G, Duff's Battalion Partisan Rangers, latterly Company G, Thirty-third Texas Cavalry, Confederate States Army, enlisted November 1, 1862. On the company roll for May and June, 1863, last on file, he was reported as on detached service. No later record of him has been found as of this organization.

The reports also show that one W. M. Smith was a private of Company G, Anderson's (latterly Border's) Texas Cavalry, Confederate States Army. There are no company rolls

on file and the date of enlistment has not been found. A regimental return for January, 1865, shows him as "absent sick in hospital and reported by surgeon's certificate." No later record of him has been found.

There are no rolls on file in this office of Fulcord's Battalion, Texas Cavalry, Confederate State Army, and no record has been found of the capture or parole of a man named W. M. Smith (or Wm. Smith) as of that organization.

G. W. ANDERSON,
The Adjutant General.

In view of the information, and the facts stated above, and the further fact that General Hutchings is giving his attention to the matter, we do not deem it necessary to make any recommendations in the matter.

Respectfully submitted,
WESTBROOK,
ROBBINS,
HALL.

Engrossing Committee Reports.

Committee Room,

Austin, Texas, February 28, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 396 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, February 28, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 390 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, February 28, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 433 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, February 28, 1917.
Hon. W. P. Hobby, President of the
Senate.

Sir: Your Committee on Engrossed
Bills has had Senate Bill No. 168
carefully compared, and finds the
same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, February 28, 1917.
Hon. W. P. Hobby, President of the
Senate.

Sir: Your Committee on Engrossed
Bills has had Senate Bill No. 394
carefully compared, and finds the
same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, February 28, 1917.
Hon. W. P. Hobby, President of the
Senate.

Sir: Your Committee on Engrossed
Bills has had Senate Bill No. 352
carefully compared, and finds the
same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, February 28, 1917.
Hon. W. P. Hobby, President of the
Senate.

Sir: Your Committee on Engrossed
Bills has had Senate Bill No. 95
carefully compared, and finds the
same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,
Texas, February 28, 1917.
Hon. W. P. Hobby, President of the
Senate.

Sir: Your Committee on Engrossed
Bills has had Senate Bill No. 357
carefully compared, and finds the
same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, February 28, 1917.
Hon. W. P. Hobby, President of the
Senate.

Sir: Your Committee on Engrossed
Bills has had Senate Bill No. 407
carefully compared, and finds the
same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, February 28, 1917.
Hon. W. P. Hobby, President of the
Senate.

Sir: Your Committee on Engrossed
Bills has had Senate Bill No. 430
carefully compared, and finds the
same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, February 28, 1917.
Hon. W. P. Hobby, President of the
Senate.

Sir: Your Committee on Engrossed
Bills has had Senate Bill No. 436
carefully compared, and finds the
same correctly engrossed.

CALDWELL, Vice Chairman.

Committee Reports.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 23, 1917.
Hon. W. P. Hobby, President of the
Senate.

Sir: Your Committee on Finance,
to whom was referred

S. B. No. 334, A bill to be entitled
"An Act to make an emergency ap-
propriation for the purpose of pur-
chasing and installing a storage
tank and other facilities to store and
convey oil from the Southwest Texas
State Normal, and declaring an emer-
gency,"

Have had the same under consid-
eration, and beg leave to report same
back to the Senate with the recom-
mendation that it do pass and be not
printed.

Hudspeth, Chairman; Johnson,
Page, King, Clark, Bee, Dean, Hop-
kins, Caldwell, Westbrook.

Committee Room,
Austin, Texas, Feb. 27, 1917.
Hon. W. P. Hobby, President of the
Senate.

Sir: Your Committee on Insur-
ance and Banking, to whom was re-
ferred

H. B. No. 499, A bill to be entitled
"An Act to amend Sections 5, 6, 8,
9 and 29, of Chapter 106, General
Laws of the Regular Session of the
Thirty-third Legislature, approved
April 2, 1913, the same being 'An
Act to repeal Chapter 8 of the Gen-
eral Laws of the Fourth Called Ses-
sion of the Thirty-first Legislature

of the State of Texas, approved September 6, 1910, known as the State Insurance Board Law, and to provide conditions upon which fire insurance companies may hereafter transact business in the State of Texas, and to create the State Fire Insurance Commission, and to prescribe its duties and authority, and salaries and members and to provide for their appointment and removal, and to provide that hereafter the rate of premiums to be charged by fire insurance companies in this State shall be fixed and determined and promulgated exclusively by said State Fire Insurance Commission, and to prohibit any such fire insurance companies from collecting or receiving any premiums on account of policies of fire insurance issued by them unless the rates of such premiums have been so fixed and determined and promulgated by said State Fire Insurance Commission; to provide certain conditions and limitations on fire insurance contracts or policies, and providing penalties for violations of provisions of this Act, and appropriating money necessary to carry out its provisions, and declaring an emergency," so that hereafter said Sections 5, 6, 8, 9 and 29, of said Chapter 106, shall provide in substance; to fix the salaries of the members of the State Fire Insurance Commission and to provide for an assessment of one and one-fourth (1¼%) per cent on the gross premiums of all fire insurance companies doing business in this State to be expended in carrying out the provisions of said Act, and limit the aggregate expenditures of the Commission for all purposes, including the salaries of the members thereof, in any one year, to be the sum produced by an assessment of one and one-fourth per cent on the gross premiums of all fire insurance companies doing business in this State, and insert in lieu thereof "of one hundred and thirty thousand dollars (\$130,000.00)"; and to prescribe the duties and powers of the State Fire Insurance Commission with respect to the collection and classifications of data pertaining to fires, and the fixing and promulgating of rates of premiums based upon such data, to prescribe the powers and duties of the Fire Marshal of the State Fire Insurance Commission relating to the investigation of fires, and the

correction of fire hazards, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed, but be printed in the Journal.

GIBSON, Chairman.

By Pillow.

H. B. No. 499.

A BILL
To Be Entitled

An Act to amend Sections 5, 6, 8, 9 and 29, Chapter 106, General Laws of the Regular Session of the Thirty-third Legislature, approved on April 2, 1913, the same being "An Act to repeal Chapter 8 of the General Laws of the Fourth Called Session of the Thirty-first Legislature of the State of Texas, approved September 6, 1910, known as the State Insurance Board Law, and to provide conditions upon which fire insurance companies may hereafter transact business in the State of Texas, and to create the State Fire Insurance Commission, and to prescribe its duties and authority, and the duties and authority of each member thereof, and to fix the salaries of the members, and to provide for their appointment and removal, and to provide that hereafter the rate of premiums to be charged by fire insurance companies in this State shall be fixed and determined and promulgated exclusively by said State Fire Insurance Commission, and to prohibit any such fire insurance company from collecting or receiving any premiums on account of policies of fire insurance issued by them, unless the rate of such premiums have been so fixed and determined and promulgated by said State Fire Insurance Commission; to provide certain conditions and limitations on fire insurance contracts or policies, and providing penalties for violations of provisions of this Act, and appropriating money necessary to carry out its provisions, and declaring an emergency," so that hereafter said Sections 5, 6, 8, 9 and 29 of said Chapter 106, shall provide in substance; to fix the salaries of the members of the State Fire Insur-

ance Commission and to provide for an assessment of one and one-fourth (1½) per cent on the gross premiums of all fire insurance companies doing business in this State to be expended in carrying out the provisions of said Act and limit the aggregate expenditures of the Commission for all purposes, including the salaries of the members thereof, in any one year, to the sum of one hundred and thirty thousand dollars (\$130,000.00), and to prescribe the duties and powers of the State Fire Insurance Commission with respect to the collection and classification of data pertaining to fires, and the fixing and promulgation of rates of premiums based upon such data, to prescribe the powers and duties of the Fire Marshal of the State Fire Insurance Commission relating to the investigation of fires, and the correction of fire hazards, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 5 of Chapter 106 of the General Laws of the Regular Session of the Thirty-third Legislature be amended so as to hereafter read as follows:

Sec. 5. The members of the Commission other than the Commissioner of Insurance and Banking, shall each receive as compensation for their services the sum of thirty-six hundred dollars (\$36,000.00) per annum, and the Commissioner of Insurance and Banking shall receive as compensation or salary for his services under this Act, the sum of five hundred dollars (\$500.00) per annum, in addition to his compensation as now fixed by law. Such salary of the two appointed members of said Commission and the said five hundred dollars (\$500.00), salary of the Commissioner of Insurance and Banking, together with the necessary compensation of experts, clerical force, and other persons employed by said Commission, and all necessary traveling expenses, and such other expenses as may be necessary, incurred in carrying out the provisions of this Act, shall be paid by warrants drawn by the Comptroller upon the State Treasurer upon the order of said Commission; provided, that the total amount

of all salaries and said other expenses shall not exceed the sum produced by the assessment of one and one-fourth (1½) per cent of the gross premiums of all fire insurance companies doing business in this State, as provided in Section 29 of said Act.

Sec. 2. That Section 6 of Chapter 106 of the General Laws of the Regular Session of the Thirty-third Legislature be amended so as to hereafter read as follows:

Sec. 6. The State Fire Insurance Commission shall have the sole and exclusive power and authority, and it shall be its duty to prescribe, fix, determine and promulgate the rates of premiums to be charged and collected by fire insurance companies transacting business in this State. As soon as practicable after this Act shall take effect, the State Fire Insurance Commission shall begin the work of fixing and determining and promulgating the rates of premiums to be charged and collected by fire insurance companies throughout the State, and the making and adoption of its schedules of such rates, and then until such time as this work shall have been fully completed, said Commission shall have full power and authority to adopt and continue in force the rates of premiums which may be lawfully charged and collected when this Act shall take effect, or any portion thereof, for such time as it may prescribe, or until the work of making such schedules for the entire State shall be completed. Said Commission shall also have authority to alter or amend any and all such rates of premiums so fixed and determined and adopted by it, and to raise or lower the same, or any part thereof, as herein provided. Said Commission shall have authority to employ clerical help, inspectors, experts and other assistants, and to incur such other expenses as may be necessary in carrying out the provisions of this Act; provided that such expenses, including the salaries of the members of the Commission, shall not exceed in the aggregate, for any fiscal year, the sum of one hundred and thirty thousand dollars (\$130,000.00).

It shall be the duty of said Commission to ascertain as soon as practicable the annual fire loss in this

State; to obtain, to make and maintain a record thereof and collect such data and information with respect thereto as will enable said Commission to classify the fire losses of this State, the causes thereof, and the amount of premiums collected therefor for each class of risks and the amount paid thereon, in such manner as will be of assistance in determining equitable insurance rates, methods of reducing such fire losses and reducing the insurance rates of the State, or sub-divisions of the State.

Sec. 3. That Section 8 of Chapter 106 of the General Laws of the Regular Session of the Thirty-third Legislature be amended so as to hereafter read as follows:

Sec. 8. It shall be the duty of the Fire Marshal of the State Fire Insurance Commission, who, for the purpose of this Act, shall be referred to as the State Fire Marshal, at the discretion of the Board, and upon the request of the mayor of any city or village, or the chief of a fire department of any city or village, or any fire marshal where a fire occurs within such city or village, or of a county or a district judge, or of a sheriff or county attorney of any county where a fire occurs within the district or county of the officers making such request, or of any fire insurance company, or its general, State or special agent, interested in a loss, or of a policy holder sustaining a loss, or upon the direction of the State Fire Insurance Commission to forthwith investigate at the place of such fire before loss can be paid, the origin, cause and circumstances of any fire occurring within this State, whereby property has been destroyed or damaged, and shall ascertain if possible, whether the same was the result of any accident, carelessness or design, and shall make a written report thereof to the State Insurance Commission. The State Fire Marshal shall have the power to administer oaths, take testimony, compel the attendance of witnesses and the production of documents. When, in his opinion, further investigation is necessary, he shall take or cause to be taken, the testimony on oath of all persons supposed to be cognizant of any facts, or to have knowledge in

relation to the matter under investigation, and shall cause the same to be reduced to writing, and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit arson, or of conspiracy to defraud or criminal conduct in connection with such, he shall arrest or cause to be arrested such person, and shall furnish to the proper prosecuting attorney all evidence secured, together with the names of witnesses and all information obtained by him, including a copy of all pertinent and material testimony taken in the case, and it shall be the duty of the State Fire Marshal to assist in the prosecution of all such complaints filed by him. Provided, that all investigations held by or under the direction of the State Fire Marshal may, in his discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and the witnesses may be kept separate and apart from each other and not allowed to communicate with such others until they have been examined; and all testimony taken in an investigation under the provisions of this Act may, at the election of the State Fire Marshal, be withheld from the public.

Sec. 4. That Section 9 of Chapter 106 of the General Laws of the Regular Session of the Thirty-third Legislature be amended so as to hereafter read as follows:

Sec. 9. The State Fire Marshal is hereby authorized to enter at any time any buildings or premises where fire occurred or is in progress, or any place contiguous thereto, for the purpose of investigating the cause, origin and circumstances of such fire. The State Fire Marshal, upon the complaint of any person, shall, at all reasonable hours, for the purpose of examination, enter into and upon all buildings and premises within this State, and it shall be his duty to enter upon and make or cause to be entered upon or made, at any time, a thorough examination of mercantile, manufacturing and public buildings, and all places of public amusement, or where public gatherings are held, together with the premises belonging thereto, whenever he shall find any

building or other structure which, for want of repair or by reason of age or dilapidated condition, or which for any cause is liable to fire, and which is so situated as to endanger other buildings or property, or is so occupied that fire would endanger persons or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues and pipes with which the same may be connected, or dangerous arrangement of lighting systems or devices, or a dangerous storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible, inflammable and refuse materials, or other conditions which may be dangerous in character, or liable to cause or promote fire, or create conditions dangerous to firemen or occupants, he shall order the same to be removed or remedied, and such order shall be forthwith complied with by the occupant or owner of such building or premises, and the State Fire Marshal is hereby authorized, when necessary, to apply to a court of competent jurisdiction for the necessary writs or orders to enforce the provisions of this section, and in such case he shall not be required to give bond.

Sec. 5. That Section 29 of Chapter 106 of the General Laws of the Regular Session of the Thirty-third Legislature be amended so as to hereafter read as follows:

Sec. 29. That there shall be assessed and collected by the State of Texas, an additional one and one-fourth (1½) per cent of the gross fire insurance premiums of all fire insurance companies doing business in this State, according to the reports made to the Commissioner of Insurance and Banking as required by law, and said taxes when collected shall be placed in a separate fund with the State Treasurer to be expended during the current year in carrying out the provisions of this Act; provided that such expenditures, including the salaries of the members of the Commission, shall not exceed in the aggregate the sum of one hundred and thirty thousand dollars (\$130,000.00) per annum; and should there be an

unexpended balance at the end of any year, the State Fire Insurance Commission shall reduce the assessment for the succeeding year so that the amount produced and paid into the State treasury, together with said unexpended balance in the Treasury, will not exceed the amount appropriated for the current year, to pay all necessary expenses of maintaining the Commission, which funds shall be paid out upon requisition made out and filed by a majority of the Commission, when the Comptroller shall issue warrants therefor.

Sec. 6. The fact that the State Fire Insurance Commission is unable to adequately perform all the duties imposed upon it by law, and the great importance to the people of Texas that the provisions of the State Fire Insurance Commission Law be adequately administered, and the further fact that this is the Regular Session of the Legislature when the calendar will be crowded with bills, thus requiring an early disposition of this measure, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 28, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 306, A bill to be entitled "An Act to amend Articles 608 and 611, Chapter 1, of Title 18, of the Revised Civil Statutes of the State of Texas, 1911, regulating the issuance of bonds by counties, cities and towns, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following committee amendments:

Amend the bill by striking out in line 1 of the caption the letter "s" at the end of the word "articles" and the figures "608" and the word "and."

Amend Section 1 of the bill by striking out the same words and fig-

ures, and by striking out all of the proposed amended Article 608.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 33, A bill to be entitled "An Act creating for Dallas County an additional County Court at law; providing a name therefor; prescribing the jurisdiction thereof; providing for the election and qualification of the judge thereof; fixing the judge's compensation; specifying the fees to be collected by the judge thereof; prescribing the powers and duties of the judge thereof, etc.,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room.

Austin, Texas, Feb. 28, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 307, A bill to be entitled "An Act to amend Articles 628 and 632 of Chapter 2, Title 18, of the Revised Civil Statutes of the State of Texas (1911 compilation), said chapter being Chapter 7 of the General Laws of the First Called Session of the Thirty-first Legislature, 1909, entitled 'An Act to authorize any county or political subdivision or other defined district of the county, upon a vote of two-thirds majority of the resident property tax paying voters thereof who are qualified electors of such county or political subdivision or defined district of the county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the excess valuation of the real property of such county or political subdivision or defined district thereto, etc., and to add thereto Sections 637a, 637b and 637c, providing that any county in this State where a road district or road districts have heretofore been formed and have issued bonds for the purpose of constructing roads under said chapter, the commissioners court

of the county may upon petition submit to the qualified voters of the county the proposition as to whether or not the commissioners court shall be authorized to issue the bonds of the county for a like purpose and to set apart from such county bond issue an amount thereof equal to all of the outstanding bonds of any such road district or districts less the amount of sinking fund on hand to the credit of such district or districts, etc.; providing for the exchange of county bonds thus issued for the outstanding bonds of such district or districts, for the levy and collection of the necessary taxes to pay interest and for a sinking fund for such bonds, prohibiting the overlapping of road districts or subdivision of the county, providing for the proper investment of the sinking funds of road bonds, declaring that the interest arising from any such investment shall become a part of the sinking fund and prohibiting the diversion of said interest and sinking fund for any other purpose, making the same a criminal offense, and providing suitable punishment therefor, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1917.

Hon. W. P. Hobby, President of the Senate,

Sir: Your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 31, A bill to be entitled "An Act creating the County Court of El Paso County for civil cases, to fix and prescribe the jurisdiction thereof, and to conform to such change in the jurisdiction of the County Court of El Paso County, fixing the salaries of the judges of the County Court of El Paso County, and of the County Court of El Paso County for civil cases; providing for the appointment and election of the judges of said court hereby created; providing for the appointment of special judges and filling of vacancies in said office, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the

recommendation that it do pass, and be printed in the Journal only.

BAILEY, Chairman.

By Dudley.

H. B. No. 31.

A BILL
To Be Entitled

An Act creating the El Paso County Court at law, to fix and prescribe the jurisdiction thereof, and to conform to such change in the jurisdiction of the County Court of El Paso County, fixing the salaries of the judges of the County Court of El Paso County, and of the El Paso County Court at Law; providing for the appointment and election of the judges of said court hereby created; providing for the appointment of special judges and filling of vacancies in said office, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there is hereby created a court to be held in El Paso County, Texas, to be known and designated as the "El Paso County Court at Law."

Sec. 2. The El Paso County Court at Law shall have jurisdiction of all civil and criminal matters and causes original and appellate, over which, by the general laws of the State of Texas, the county court of said county would have jurisdiction except as provided in Section 3 of this Act, and all civil and criminal cases other than probate matters and such as are provided in Section 3 of this Act, to be and the same are hereby transferred to the El Paso County Court at Law; and all civil and criminal writs and processes heretofore issued by or out of said county court other than pertaining to matters over which, by Section 3 of this Act, jurisdiction remains in the County Court of El Paso County, be and the same are hereby made returnable to the El Paso County Court at Law. The jurisdiction of the El Paso County Court at Law and of the judge thereof shall extend to all matters of eminent domain of which jurisdiction has heretofore rested in the county court of El Paso County, or the judge thereof; but this provision shall not affect the jurisdiction of the commissioners court, or of the county judge of El Paso County as the presiding officer of said court, as to roads, bridges and public highways and mat-

ters of eminent domain which are now within the jurisdiction of the commissioners court, or of the judge of the County Court of El Paso County, Texas.

Sec. 3. The County Court of El Paso County shall retain, as heretofore, its jurisdiction as a juvenile court; its jurisdiction in matters pertaining to liquor licenses, forfeitures and bonds; the general jurisdiction of a probate court; it shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and drunkards, grant letters testamentary and of administration, settle accounts of administrators, executors and guardians; transact all business pertaining to deceased persons; and to apprentice minors as provided by law. The County Judge of El Paso County shall be the judge of the County Court of El Paso County, and all ex officio duties of the county judge shall be exercised by said judge of the County Court of El Paso County except in so far as the same shall by this Act be committed to the judge of the El Paso County Court at Law.

Sec. 4. Both the said County Court of El Paso County and the El Paso County Court at Law or either of the judges thereof shall have the power to issue writs of injunction, sequestration, attachments, garnishment, certiorari, supersedeas and all other writs necessary to the enforcement of the jurisdiction of said courts; and also power to punish for contempt under such provisions as are, or may be provided by the general laws governing county courts throughout the State, and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of said courts or of any court or tribunal inferior to said courts.

Sec. 5. The terms of the El Paso County Court at Law and the practice therein and appeals and writs of error therefrom shall be, as prescribed by law relating to county courts. The terms of the El Paso County Court at Law shall be held not less than four times each year, and the commissioners court of El Paso County shall fix the time at which said court shall hold its terms, until the same shall be changed according to law.

Sec. 6. The Governor shall appoint some suitable person who is a

resident citizen of El Paso County as judge of the El Paso County Court at Law, as herein constituted, who shall hold such office until the next general election after his appointment, and until his successor shall have been elected and qualified, and all vacancies in said office shall also be filled by appointment by the Governor until the next general election thereafter. At the first general election in said county and at each general election thereafter there shall be elected by the qualified voters a judge of the El Paso County Court at Law, who shall be well informed in the laws of this State, who shall hold his office for two years and until his successor shall have been duly elected and qualified; provided that no person shall be eligible for judge of the El Paso County Court at Law by election, unless he shall be a citizen of the United States and of this State, who shall have been a practicing lawyer of this State or a judge of a court in this State for at least four years next preceding his election, and who shall have resided in the County of El Paso for two years next preceding his election.

Sec. 7. The judge of the El Paso County Court at Law shall execute a bond and take the oath of office as required by law relating to county judges.

Sec. 8. A special judge of the El Paso County Court at Law may be appointed or elected as provided by laws relating to county courts and the judges thereof.

Sec. 9. The county clerk of El Paso County shall be the clerk for the El Paso County Court at Law; the seal of said court shall be the same as that provided for county courts, except that the seal shall contain the words "El Paso County Court at Law." The sheriff of El Paso County shall, in person or by deputy, attend the court when required by the judge thereof.

Sec. 10. The jurisdiction and authority now vested by law in the County Court of El Paso County, for the selection and service of jurors shall be exercised by each of said courts, but juries summoned for either of said courts may by order of the judge of the court in which they are summoned be transferred to the other court for service therein and may be used therein as if summoned for the court to which they may thus be transferred.

Sec. 11. There shall be taxed and collected in the El Paso County Court at Law the same fees provided by law for county judges in similar cases, all of which shall be paid by the clerk monthly into the county treasury, and the judge of said court shall receive a salary of two thousand five hundred (\$2500) dollars annually, to be paid monthly out of the county treasury, upon order of the commissioners court.

Sec. 12. The judge of the El Paso County Court at Law may be removed from office in the same manner and for the same causes as any other county judge may be removed under the laws of this State.

Sec. 13. The county judge of El Paso County shall hereafter receive from the county treasury, in addition to the fees allowed him by law, such a salary, for the ex officio duties, not exceeding in the aggregate of fees and salary that which the existing laws provide for.

Sec. 14. The fact that the civil and criminal business of the County Court of El Paso County is so large as to render it impossible for said court to dispose thereof and to give proper time for trial of criminal causes, together with the large and increasing probate business in said court seriously obstructs the administration of the laws of said county, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

FORTIETH DAY.

Senate Chamber,
Austin, Texas,
Thursday, March 1, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Clark.
Bailey.	Dayton.
Bee.	Dean.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Gibson.
Caldwell.	Hall.